

ORDINANCE NO. _____, SERIES 2007

AN ORDINANCE RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 115.400-115.403 AND 115.999(M) PERTAINING TO CONVENIENCE STORE SECURITY.

Sponsored By: Councilmen Downard and Blackwell

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: Pursuant to the provisions of KRS 67C.115(2), LMCO Sections 115.400-115.403 and 115.999(M) are hereby reenacted as follows:

§ 115.400 SHORT TITLE.

This Ordinance shall be known as the Convenience Store Security Ordinance.

§ 115.401 DEFINITIONS.

For the purposes of this Ordinance, the following definitions are provided.

(A) Convenience store. Any place of business that is engaged in the retail sale of groceries (including but not limited to the sale of prepared foods, or gasoline and services) or which has a current distilled spirits and wine retail package license issued in accordance with LMCO Chapter 113 that is regularly open for business at any time between the hours of 10:00 p.m. and 5:00 a.m. The term does not include a store that is solely or primarily a restaurant; a business that always has at least five employees on the premises after 10:00

p.m. and before 5:00 a.m.; a business that has at least 10,000 square feet of retail floor space; or a store that sells prescription drugs.

(B) Owner. The person, corporation, partnership, joint venture, other group enterprise having lawful possession of the premises upon which the convenience store is operated.

(C) Principal operator. The convenience store manager or other person or employee responsible for store operations during normal business hours.

§ 115.402 REGULATIONS.

(A) Every convenience store shall be equipped with a security camera system that is operational and capable of recording and storing a ~~reasonably~~ clear image of the inside of the store and more specifically ~~upon the cash register~~ the cash register area(s) and entry and exit doors to assist in the identification and apprehension of a robber or other criminal.

(B) Cameras for cash registers. The camera(s) for cash registers must be positioned and adjusted so that each cash register area is completely visible in a camera's field of view, and a whole adult person is no less than 40% of the field of view. Each camera shall be placed so that the captured image of customers in the store at the cash register(s) is at the customer's eye level, which for the purposes of this ordinance is between five and six feet above the floor of the convenience store.

(C) Cameras for entrance and exit doors. Additionally, the camera(s) must be positioned and adjusted so that each entry and exit door is completely visible in a camera's field of view and shall be placed so that any visible camera is located between 7½ and 8 feet from the floor level to clearly capture images of customers exiting the store, or, if the camera is covert, the camera shall be located at eye level, which for the purposes of this ordinance is between five and six feet above the floor of the convenience store.

(BD) The security camera system may consist of either a video tape recording system or a digital video recording system and it shall be stored in a locked area away from the cash register. Each camera must be acute enough that the facial features of a person in its field of view are distinguishable and recognizable. The video recording tapes shall be kept for a period of ~~72 hours~~ seven (7) days before the tape may be reused or discarded. The digital video recording system shall have the capacity to retain digital images for a period of seven (7) days ~~72 hours~~ before being overwritten or discarded.

(GE) The convenience store shall post a conspicuous sign near the cash register and on the front entrance door, and placed in such a manner as to be visible to the majority of customers, which states "all transactions are recorded on camera" or words to similar effect.

(DE) The convenience store shall place height markers at the entrance of the convenience store which display height measures.

§ 115.403 ENFORCEMENT.

The Metro Government, through either an officer of the Louisville/~~Jefferson County~~ Metro Division of Police Department or its designated agent or authority, shall have the right to enter and inspect a convenience store, during normal business hours of the convenience store, to determine compliance with this Ordinance. The Chief of the Louisville Metro Police Department shall have the authority to establish and promulgate rules and regulations for camera requirements and placement for the purposes of this Ordinance.

§ 115.999 PENALTY.

(M) Failure to comply with the requirements of §§ 115.400 through 115.403 shall constitute a misdemeanor and upon conviction, shall subject the owner of the convenience store to a fine not to exceed \$500. Each day a violation exists shall be considered as a separate offense.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

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